

I WENT TO THE FOLLOWING WEBSITE <https://www.lacourt.org/casesummary/ui/>

AND I ENTERED THE FOLLOWING CASE NUMBER 24 C H L C 44199

ONE OF THE ENTRIES FOR THIS CASE NUMBER READS AS FOLLOWS

"04/25/2025 Proof of Personal Service; Filed by: AMERICAN EXPRESS NATIONAL BANK (Plaintiff); As to: Guillermo Diaz (Defendant); Service Cost: 80.00; Service Date: 04/06/2025; Service Cost Waived: No"

MY UNDERSTANDING IS THAT THE PLAINTIFF MAY HAVE FILED A PROOF OF SERVICE IN A MANNER WHICH IS LATE AND NOT ALLOWABLE SINCE "11/13/2024 Complaint; Filed by: AMERICAN EXPRESS NATIONAL BANK (Plaintiff); As to: Guillermo Diaz (Defendant)". IF THIS IS TRUE WHAT CAN I DO AT THIS POINT

Found 28 results

Based on the timeline you've provided and California court rules, the plaintiff's **Proof of Personal Service** (filed on **04/25/2025**) appears to be untimely under **California Rules of Court (CRC) 3.740**, which governs collections cases. Here's your analysis and actionable steps:

1. Timeliness Issue Under CRC 3.740

- **Rule Requirement:**

- Proof of service must be filed within **180 days** of the complaint being filed ([CRC 3.740\(d\)](#)).

- Your case:
 - Complaint filed: **11/13/2024**
 - Proof of service filed: **04/25/2025** (163 days later, technically within 180 days).
 - However, the **service date** listed is **04/06/2025** (144 days after filing).
 - **Potential Defense:**
 - If the plaintiff **served you after the 180-day deadline** (which would be **05/12/2025**), the service is invalid, and the case could be dismissed.
 - If they served you **before 05/12/2025** but filed proof late, the court may still allow it unless you challenge it.
-

2. Key Actions to Take

A. Verify the Service Date

- Check the **Proof of Service** document (available at the courthouse or online) to confirm:
 - The exact date you were served.
 - Whether the server followed proper procedures (e.g., handed directly to you or used substituted service).

B. File a Motion to Quash Service (If Improper)

- If service was **invalid** (e.g., after 180 days or not personally delivered), file a **Motion to Quash Service** (Form [G-124](#)) ⁷.

- **Grounds:**
 - Untimely service (beyond 180 days).
 - Improper method (e.g., left with someone else without mailing follow-up copy).

C. Challenge the Proof of Service at the OSC Hearing

- The **Order to Show Cause (OSC) hearing** on **11/19/2025** is for the *plaintiff* to explain their delays. You can:
 - Argue the proof of service was filed late or service was improper.
 - Request dismissal under **CRC 3.740(f)** for failure to prosecute the case timely.

D. File an Answer (If Service Was Valid)

- If service was technically within 180 days, protect yourself by filing an **Answer** (Form [PLD-C-010](#)) to avoid default judgment ¹².
 - Include defenses like:
 - Lack of standing (American Express didn't prove ownership of the debt).
 - Statute of limitations (if applicable).
-

3. Next Steps

1. **Obtain the Proof of Service** from the court clerk to verify dates.
2. **File a Motion to Quash** if service was improper (deadline: **30 days from discovery of the issue**).
3. **Prepare for the OSC Hearing:**

- Bring evidence (e.g., docket showing late filing).
- Argue for dismissal due to plaintiff's noncompliance.

4. Consult Free Legal Help:

- LA Court Self-Help Center: www.lacourt.org 7.
- Legal Aid Foundation of LA: lafla.org.

Key Takeaway

The plaintiff's filing is **likely compliant** (since service occurred before 180 days), but you can still challenge procedural defects or fight the debt's validity. Act now to protect your rights